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- Approved for watermark 07/31/2005, GARS 0034-0011
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(d)**

Decked Number (Optional)
NREL 01-38

First named inventor: Shi-You Ding

Application No.: 09/917,376

Art Unit 1632

Filed: July 28, 2001

Examiner: Swope, Sheridan

THE: Thermal Tolerant Avicelase from *Aspergillus Celadolyticus*

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-8300

NOTE: If information or assistance is needed in completing this form, please contact Peppermill Information at (703) 305-8282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1986; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
 - Small entity - fee \$ 3 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 - Other than small entity - fee \$ 1500 (37 CFR 1.17(m))
2. Reply and/or fee
 - A. The reply and/or fee to the above-noted Office action in the form of amendment (Identify type of reply):
 - has been filed previously on _____.
 - is enclosed herewith.
 - B. The issue fee of \$ _____
 - has been paid previously on _____.
 - is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop 1450, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

adjustment date: 01/03/2006
03/24/2005 03/24/2005 03/24/2005
00000005 120600 09317376
02 FC:1253 900.00 CR

PAGE 319 • RCVD AT 202005 6:46:23 PM (Eastern Standard Time) • SVR-USPTO-EFXP1-1/H • OHSC:1720048 • CSD:77031301 • DURATION (min:sec) 03:00

PATENT
Attorney Docket No. 398960
Sent Via Facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Ding Shi-You et al.
Serial No. 09/917,376
Filed July 28, 2001
For Thermal Tolerant Avicelase From
Acidothermus Cellulolyticus

Examiner Swope, Sheridan
Group Art No. 1652
Confirmation No. 9956

December 1, 2005

Mail Stop 16
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REFUND
IMPROPER CHARGE OF DEPOSIT ACCOUNT**

Dear Sir:

I. REFUND REQUEST

This is a request for a refund in the amount of \$900.00, with respect to the charge to Deposit Account 12-0600, shown on the statement dated March 2005, for the above-identified patent application.

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

Extension for response within third month in the amount of \$900.00.

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

A petition to revive the patent application referenced above was granted in a letter dated April 11, 2005 signed by Marianne E. Jenkins. Within this letter it is stated that since the \$900.00 extension of time fee submitted with the present petition was subsequent to the six-month statutory period for reply, the fee is unnecessary and will be credited to petitioner's deposit account. As of December 1, 2005 this charge has not been refunded.

IV. MANNER OF REFUND

Please make refund of \$900.00 crediting Account No. 12-0600.

DEC. 2. 2005 1:51PM LATHROP & GAGE

NO. 2202 P. 4

Respectfully submitted,


Daniel Cleveland, Jr., Reg. No. 36,106
LATHROP & GAGE LC
4845 Pearl East Circle, Suite 300
Boulder, Colorado 80031
Telephone: (720) 931-3011
Facsimile: (720) 931-3000

DEC. 2, 2005 1:51PM LATHROP & GAGE



UNITED STATES PATENT AND TRADEMARK OFFICE

NO. 2202 P. 5

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Lathrop & Gage LC
4845 Pearl East Circle
Suite 300
Boulder, CO 80301

COPY MAILED

APR 11 2005

In re Application of
Shi-You Ding, et al.
Application No. 09/917,376
Filed: July 28, 2001
Attorney Docket No. NREL 01-36

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 3, 2005, to revive the above-identified application.

The petition is **GRANTED**.

A non-final Office action was mailed to applicant on June 16, 2004, which set a three (3) month shortened statutory period for reply. As no reply was received and no extensions of time under the provisions of 37 CFR 1.136 were obtained, the application became abandoned on September 17, 2004.

Since the application became abandoned, applicant filed the instant petition and a proposed reply, namely, an amendment. Receipt of the amendment is acknowledged.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Since the \$900 extension of time fee submitted with the present petition was subsequent to the six-month statutory period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being referred to Technology Center 1600.

Marianne E. Jenkins
Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

DOCKETED

... MVS ... 4/20/06

To K.C.
Date 4/15/06
From [redacted]

PAGE 55 * RCVD AT 12/2/2005 2:48:24 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/27 * DNIS:2736500 * CSID: * DURATION (mm:ss):01:42

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DEC. 2. 2005 1:50PM LATHROP & GAGE

NO. 2202 P. 1

US PATENT & TRADEMARK
OFFICE

775 F. C. -2 PM 2:53

CERTIFICATE OF FACSIMILE TRANSMISSION 37 CFR 1.8			Matter No.
Applicant(s): Ding Shi-You et al.			398960
Serial No.	Filing Date	Examiner	Group Art Unit
09/917,376	July 28, 2001	Swope, Sheridan	1652
Invention Thermal Tolerant Avicelase From Acidothermus Cellulolyticus			
<p>I hereby certify that the following: Certificate of Facsimile Cover Sheet (1 page); Transmittal Form (1 page); Request for Refund Improper Charge of Deposit Account (2 pages), and Copy of the Decision on the Petition to Revive (1 page), are being sent via facsimile transmission to (571)273-6500, c/o the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of December, 2005.</p>			
<p>_____ Melissa Smith Name of Transmitter</p>			
<p>_____ <i>Melissa Smith</i> Signature of Transmitter</p>			
<p>_____ (816)292-2001 Facsimile No.</p>			

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. GMB 0651-0091

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TRANSMITTAL
FORM(To be used for all correspondence after initial filing)
Total Number of Pages in This Submission

Application Number	08/917,378
Filing Date	July 28, 2001
First Named Inventor	Ding Shi-You
Art Unit	1652
Examiner Name	Swope, Sheridan
Attorney Docket Number	398980

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (Please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Certificate of Facsimile
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Request for Refund (Improper Charge of Deposit Account)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Copy of the Decision on the Petition to Revive
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Lathrop & Gage		
Signature			
Printed Name	Dan Cleveland, Jr.		
Date	December 1, 2005	Reg. No.	26,108

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	Melissa Smith
Typed or printed name	Melissa Smith
	Date
	December 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 222 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including amount of time you require to complete this form and/or suggestions for reducing this burden. Any comments on the burden of this form, or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

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ATTENTION ATTENTION ATTENTION

Method of Refund:

ACH/EFT

Credit Card

Deposit Account # 12-0600

Treasury Check

Patent/TM/App/Serial # 09/917,376

Program Area Tech Center 1650

Date Processed 12/29/2005

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